

Amendments to the Drawings:

The attached drawing sheet reflects the change to Figure 1.

The designation 11 has been amended to point at the tanks discussed at page 11, lines 21-26.

Attachment: Replacement Sheet
Annotated sheet showing change

REMARKS

This Amendment and Response is in reply to the Office Action mailed January 16, 2007. A one (1) month extension of time is filed herewith. Therefore, the time period for reply extends up to and includes May 16, 2007.

Claims 20, 25, 27-28, and 39-41 have been amended above. Claim 42 has been added. No new subject matter has been added. Claims 20-42 are now currently pending. Applicants respectfully submit that the pending claims are in condition for allowance.

Applicants wish to thank the Examiner for his careful review and consideration of the present application. The issues raised by the Examiner will now be addressed in the order presented in the subject Office Action.

Objections

In the Action, the Examiner first objected to the drawings because numeral 11 has two arrows. Applicants have enclosed herewith an annotated Figure 1 and a replacement sheet. In the replacement sheet, it has been clarified that the designation 11 points to the tanks (discussed at page 11, lines 21-26). Applicants respectfully request the Examiner's reconsideration and withdrawal of the objection.

The Examiner then objected to an informality at page 11, line 10 regarding the primary chamber 12. Applicants have amended the specification by deleting the designation "12" and inserting the designation -13- (which appropriately points to the primary chamber in Figure 1). Withdrawal of the objection is requested.

Rejections Under 35 U.S.C. §112

Claims 20-26 were rejected under 35 U.S.C. §112, first paragraph, as being indefinite for failing to comply with the written description requirement. Applicants respectfully traverse the rejection. For example, Applicants wish to point out that at Table 1a the waste moisture content is indicated at 50%. However, for purposes of advancing prosecution in this matter, Applicants have amended claim 20 to recite 60% and 80%. Applicants specifically reserve the right, however, to prosecute claims having a moisture content outside of the range of 60% to 80% in a continuing application.

The Examiner then objected to claims 23 and 24 specifying that a fan maintains the biofilm or matrix particulate moisture coating. Applicants traverse the rejection. More specifically page 5, line 4 of the specification states as follows:

The VCU allows for the maintenance of an active moisture bound biofilm from input to output (typically 45-50% w/w) which prevents the possibility of pyrolysis and encourages microbe activity. This makes it especially efficient for processing green wastes combined with food wastes or sewage sludge.

Page 4, line 5 states:

Retained pile energy (7.8 G Joules in a 65m3 VCU) induces air intake above stoichiometric levels. A naturally induced excess air rate and evolved gas is controlled by a fan with integral condenser/scrubber for condensate removal and odor control assurance wherever this might be required or mandated by legal requirements. (emphasis added).

Accordingly, the description provides that condensation is controlled by a fan and that the biofilm is moisture bound. Additional discussion of the biofilm is found at page 7, line 10 where it states:

Furthermore, condensation on the inside of the vessel roof drops back into the composting biomass sustaining an active biofilm within the composting matrix. While rendering an output of higher moisture content than conventional systems, this biofilm serves two important functions . . .

In view of the foregoing, the disclosure states that moisture is controlled by the fan and that the moisture sustains the biofilm. Thus, the embodiment is disclosed and Applicants respectfully request the Examiner's withdrawal of the rejection.

Next, the Examiner rejected the term "high" in claims 25 and 26. Applicants have deleted the term and have now defined effective working height. Withdrawal of the rejection is requested.

Applicants note that the amendments described above were not made to overcome an art based rejection and the amendments should not be construed in a limiting manner.

Rejections Under 35 U.S.C. §102

Next in the subject Action, claims 27-31, 33-36, 38-41 were rejected under 35 U.S.C. §102(b) as being anticipated by Widmer (U.S. Patent No. 4,135,908). Applicants respectfully traverse the rejection.

The patent to Widmer generally discloses a tower which tapers in the upward direction. In sharp contrast, however, Applicants' claim 27 recites that the tower has a least two generally parallel sides and claim 28 recites a vertical composting tower. This limitation is not disclosed by Widmer, and in fact Widmer teaches against use of such a tower. More specifically, the Widmer specification at column 2 states that towers which have parallel sides (e.g., a circular cylinder) leads to bridging. Accordingly, Widmer does not anticipate each and every element of the claims.

Claims 33, 34, 35, 36, and 38 through 42 depend on claims 27 or 28. Accordingly such claims are also not disclosed by Widmer. Applicants do not otherwise concede the correctness of the Applicants' rejection and reserves the right to make additional arguments as may be necessary.

In view of the foregoing, Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejection.

Claims 27-30, 32-35, 37-40 were next rejected under 35 U.S.C. §102(b) as being anticipated by Goldsborough (U.S. Patent No. 1,919,836). Applicants respectfully traverse the Examiner's rejection.

Goldsborough generally discloses a composting system having a group of grates through which biomass material falls from one grate to another (e.g., see Figs. 3 and 4). Additionally, in Goldsborough, the inner side walls and external side walls include a gap through which airflow moves, as described at page 2, lines 72-84. Still further, there is air located in and between the individual or separate heaps of waste organic matter (e.g., see page 2, lines 85-87). Applicants' claims 27 and 28, however, recite that the air moves from the base of the tower to an opening at the top of the tower through the biomass. Accordingly, the Goldsborough reference does not disclose Applicants' recited invention.

Claims 29-30, 32-35, and 37-40 depend on claims 27 or 28. Accordingly such claims are also not disclosed by Goldsborough. Applicants do not otherwise concede the

correctness of the Applicants' rejection and reserve the right to make additional arguments as may be necessary.

Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejection.

It is further noted that the Widmer and Goldsborough references do not disclose Applicants' invention in combination since the teaching of the two are at odds with one another and would not result in Applicants' recited invention.

SUMMARY

It is respectfully submitted that each of the presently pending claims (claims 20-42) are in condition for allowance and notification to that effect is requested. The Examiner is invited to contact Applicants' representative at the below-listed telephone number if it is believed that prosecution of this application may be assisted thereby.

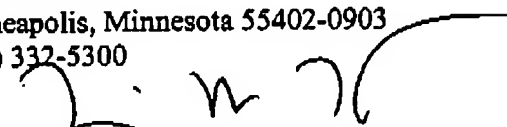
Although certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentably distinct. Applicants reserve the right to raise these arguments in the future.

Respectfully submitted,



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 Annotated Sheet 1 of 1

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